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Attorneys for Plaintiff
LES JANKEY, an individual;

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LES JANKEY, an individual,

Plaintiff,

v.

MILANO PIZZA; JOHN VOZAITIS and
DENISE VOZAITIS, TRUSTEES OF THE
JOHN and DENISE VOZAITIS
REVOCABLE LIVING TRUST dated
DECEMBER 20, 2007; and DENNIS
VOZAITIS, an individual dba MILANO
PIZZA,

Defendants.

CASE NO. CV-09-2438-CW

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice

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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

2 This stipulation may be executed in counterparts, all of which together shall constitute one
3 original document.

4
5 Dated: October 21, 2010

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

6
7 By: _____ /S/ Thomas E. Frankovich

8 _____
Thomas E. Frankovich
Attorney for LES JANKEY, an individual

9
10
11 Dated: _____, 2010

BRAVO & MARGULIES

12
13
14 By: _____

15 Joseph K. Bravo, Esq.
16 Attorneys for JOHN VOZAITIS and DENISE
17 VOZAITIS, TRUSTEES OF THE JOHN and
18 DENISE VOZAITIS REVOCABLE LIVING
TRUST dated DECEMBER 20, 2007; and DENNIS
VOZAITIS

19
20 **ORDER**

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
22 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
23 purpose of enforcing the parties' Settlement Agreement and General Release should such
24 enforcement be necessary.

25
26 Dated: _____, 2010

27
28 _____
Honorable Judge Claudia Wilkin
UNITED STATE DISTRICT JUDGE

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

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8 Thomas E. Frankovich
9 Attorney for LES JANKEY, an individual

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11 Dated: October 21, 2010

BRAVO & MARGULIES

12
13
14 By: Joseph K. Bravo
15 Joseph K. Bravo, Esq.
16 Attorneys for JOHN VOZAITIS and DENISE
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28 Honorable Judge Claudia Wilkin
UNITED STATE DISTRICT JUDGE

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON